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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/385,802	BARTHOLOMEN DONOVAN, KEVIN REMINGTON JOS
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>16-20, 22, 103 and 105-127</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>16-20, 22, 103 and 105-127</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1>   This action is in response to Applicant's request for continued examination. Claims

16-18, 112-114 and 118 have been amended. Claims 122-127 have been added. Claim 104 is

cancelled. Claims 16-20, 22, 103 and 105-127 are presented for further examination.

2>   This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3>   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant

to 37 CFR 1.114. Applicant's submission filed on 2.27.2006 has been entered.

Information Disclosure Statement

4>   The information disclosure statement (IDS) submitted on 2.28.2006 was filed after the

mailing date of the final rejection on 10.25.2005. The submission is in compliance with the

provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been

considered by the examiner.

Response to Arguments

5>   Applicant's arguments filed 2.27.2006 have been fully considered but they are not

persuasive for the following reasons.

I.   The Aravamudan reference

Applicant argues that Aravamudan does not disclose instant messaging (IM) between

two users, but instead is directed towards IM between a user and Aravamudan's

Communication Services Platform (CSP) through an IM server. Applicant's remarks, pg. 11,

¶4. Applicant concludes that the IM server does not "facilitate IM sessions between two

users". Id., pg. 12, ¶4.

As interpreted by Applicant, Aravamudan only is directed towards providing IM

sessions between a user and the CSP. However, this narrow interpretation ignores several

sections of Aravamudan that clearly disclose that the invention is not so limited but is

intended to encompass IM sessions between a user and his other buddies (other than the

CSP) [see for example, column 7 «lines 15-16» | column 8 «lines 23-26»]. The CSP is designed

as an intermediary between two users, providing new functionality to the chat session, and

the invention is not meant to be construed as an end-participant in a chat session that

replaces a user, as asserted by Applicant.

Additionally, Applicant's interpretation of Aravamudan is also contradicted by the

fact that a user may add multiple "buddies" to his list [column 2 «lines 33-37»]. If the purpose

of the IM server was merely to provide alert messages to a user from the CSP, it would seem

extraneous for a user to even have a multiple buddy list. Rather, the incorporation of the

buddy list into Aravamudan suggests to one of ordinary skill in the art that the IM server performs its traditional role of providing IM sessions between a user and the users on his buddy list in addition to the new functionality of Aravamudan's invention. Aravamudan's CSP merely supplements the system by providing added functionality and does not take the place of the users on a buddy list and in no way does Aravamudan discard the traditional concepts of an IM session [column 4 «lines 54-56» : "a traditional Instant Messaging (IM) session is utilized..."].

Turning to claim 16, Applicant asserts that Aravamudan does not teach establishing a connection between a first user and second user as part of an instant messaging session. Id., pg. 13, ¶2. Aravamudan teaches a traditional IM session, whereby users may participate in an online communication session [column 1 «lines 39-49»], this communication session implying that a connection is established between users and users on his buddy list. The teaching of an online communication session and a traditional IM session also imply displaying of instant messaging windows between the users.

II.   The Gudjonsson reference

Applicant amends claim 16 to disclose encryption of an instant message. Applicant asserts that Gudjonsson does not teach encrypting IM and is not even an IM system. Applicant's remarks, pg. 14, ¶4. Applicant applies a narrow interpretation of Gudjonsson and ignores knowledge available to one of ordinary skill in the art.

Gudjonsson is directed towards providing a secure way of establishing communication sessions between users in different networks [abstract]. It is entirely

implausible to one of ordinary skill in the art that Gudjonsson's disclosure of communication

sessions between users is inapposite to IM sessions and could not be applied to the

technology of IM sessions between users, which is essentially a communication session. As

taught by Gudjonsson, communication sessions include text messaging sessions, text chat

sessions, and voice sessions [column 2 «lines 16-22» | column 3 «lines 14-17»].

Applicant dismisses Gudjonsson's reference to the instant messaging technology as

merely his attempt to distinguish a traditional IM system from his invention. Id., pg. 15, ¶2.

However, Gudjonsson was citing problems with traditional IM systems, such as the inability

of users to communicate across different networks [column 2 «lines 35-37»]. Gudjonsson's

communication (IM) system sought to solve these problems [column 2 «lines 45-49»].

Indeed, Gudjonsson further discloses utilizing buddy lists, a well known future in instant

messaging [column 3 «lines 38-45»]. One feature Gudjonsson teaches is the ability to encrypt

communications between users [column 16 «lines 55-60»].

Thus, Gudjonsson's encryption functionality is applicable to IM sessions such as the

one taught by Aravamudan. Gudjonsson is directed towards the same field of invention as

Aravamudan. Gudjonsson's encryption functionality would improve Aravamudan's

communication session by providing secure communications between users in the session.

III.   Auerbach, in view of Kim

Applicant merely asserts that these references do not disclose encrypting an instant

message. This argument is moot in view of new grounds of rejection.

IV.   Conclusion

For the foregoing reasons, Applicant's arguments are not found persuasive. Applicant

has amended other claims, such as claims 112-114; these claims are discussed in the following

rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6>   Claims 16-20, 22, 103, 105-111 and 114-127 are rejected under 35 U.S.C § 103(a) as being

unpatentable over Aravamudan et al, U.S Patent No. 6.301.609 ["Aravamudan"]., in view of

Gudjonsson et al, U.S Patent No. 6.564.261 ["Gudjonsson"].

7>   Aravamudan is directed towards a unified messaging system to provide messaging

capability to a plurality of communication devices, modes and channels. Aravamudan thus

allows devices in different networks to communicate with one another in a user-friendly

manner.

8>   As to claim 16, Aravamudan discloses a method of conducting an instant messaging session between a first user and a second user over the Internet, said first and second users being associated with a first realm and second realm respectively [Figure 3 «items 184 and 192»], each said realm being accessible via the Internet using a protocol characteristic to said realm [column 5 «lines 32-51» | column 7 «lines 3-20» where : if a PSTN network, for instance, a PSTN exchange number is used], each said user getting access to the Internet via one of a respective first and second device [Figure 2], at least one of said first and second devices having a storage media storing the protocol characteristic of the other realm [column 7 «lines 3-20» | column 12 «lines 9-30»], the method comprising the steps of:

determining a current IP address of the second user [column 4 «lines 3-25» | column 9 «lines 50-57»];

establishing a connection between said first and second users using said current IP address and said protocol characteristic as part of an instant messaging session [column 9 «lines 45-57» | column 11 «lines 8-45»].

Aravamudan does not expressly disclose encrypting instant messages but encryption of network data is rather ubiquitous and even expected in the art, as evidenced by Gudjonsson.

9>   In a related field of invention Gudjonsson is directed towards establishing communication sessions between users over a variety of networks. Gudjonsson discloses encrypting an instant message during the instant message session [abstract | column 2 «lines 16-23» | column 11 «lines 38-43»]. It would have been obvious to one of ordinary skill in the

art to incorporate encryption services into Aravamudan's communication system for the

desirable function of having secured transmissions of network messages between users.

10>   As to claim 17, Aravamudan discloses sending a message to the IM database

indicating the corresponding user is online [column 9 «line 64» to column 10 «line 15»].

11>   As to claim 18, Aravamudan discloses retrieving said address form said IM database

[column 5 «lines 25-31» | column 6 «lines 18-31» | column 9 «lines 49-57»].

12>   As to claim 19, Aravamudan discloses sending a connection request from the first to

the second device for establishing said instant messaging session [column 9 «lines 10-22»].

13>   As to claim 20, Aravamudan discloses generating a response to said connection

request by said second device accepting said connection request [column 9 «lines 10-22» |

column 10 «lines 37-44» | column 11 «lines 35-45»].

14>   As to claim 22, Aravamudan discloses displaying a window on the screen of said first

and second devices, said window indicating a list of active users [column 6 «lines 18-31»].

15>   As to claim 103, Aravamudan discloses displaying a window with a message area, said

message area being used to indicate messages between said users [column 10 «lines 37-41»].

16>   As to claims 105 and 106, Aravamudan discloses a handheld and a palmtop computer [Figure 2].

17>   As to claim 107, Aravamudan does not expressly disclose a WebTV device. However, Aravamudan states that his invention is not limited to the disclosed devices, and is relevant to any data or communication devices synchronized with a network means [column 3 «lines 26-37»]. As a WebTV device is well known in the art, it would have been obvious to one of ordinary skill in the art to incorporate such devices into Aravamudan's network communication system to increase the number of devices with which he is compatible. Furthermore, selection of network devices is merely a design choice and does not provide any patentable distinction over the prior art references.

18>   As to claim 108, Aravamudan discloses a method of conducting an instant messaging session, the method comprising:

establishing an instant messaging session over an Internet protocol network between a first user device and a second user device [column 3 «lines 26-52»], each said user device corresponding to a user name [column 6 «lines 50-63.], each said user name corresponding to a different realm [column 6 «lines 27-29 and 50-67» | column 7 «lines 9-20»] , each said realm having a protocol characteristic to the realm [column 7 «lines 3-20» | column 11 «lines 7-34»], each said user device having an Internet protocol address in the realm corresponding to the user name [column 4 «lines 20-25» | column 9 «lines 49-57»].

19>   Aravamudan does not expressly disclose encrypting instant messages but encryption

of network data is rather ubiquitous and even expected in the art, as evidenced by

Gudjonsson.

In a related field of invention Gudjonsson is directed towards establishing

communication sessions between users over a variety of networks. Gudjonsson discloses

encrypting an instant message during the instant message session [abstract | column 2 «lines

16-23» | column 11 «lines 38-43»]. It would have been obvious to one of ordinary skill in the

art to incorporate encryption services into Aravamudan's communication system for the

desirable function of having secured transmissions of network messages between users.

20>   As to claims 109-111, as they do not teach or further define over the previously claimed

rejections, they are similarly rejected for at least the same reasons set forth for claims 105-107.

21>   As to claim 114, Aravamudan discloses an instant message receiving system, said

system including:

a first user device connected to an Internet Protocol Network and associated with a

first Internet Protocol address, a first user name, and a first realm [column 3 «line 26» to

column 4 «line 25»]; and

a second user device connected to said Internet Protocol Network and associated with

a second Internet Protocol address, a second user name, and a second realm [column 3 «line

26» to column 4 «line 25» | column 7 «lines 3-20»];

Aravamudan does not expressly disclose encrypting instant messages but encryption of network data is rather ubiquitous and even expected in the art, as evidenced by Gudjonsson.

22>   In a related field of invention Gudjonsson is directed towards establishing communication sessions between users over a variety of networks. Gudjonsson discloses encrypting an instant message during the instant message session [abstract | column 2 «lines 16-23» | column 11 «lines 38-43»]. It would have been obvious to one of ordinary skill in the art to incorporate encryption services into Aravamudan's communication system for the desirable function of having secured transmissions of network messages between users.

23>   As to claims 115-117, as they do not teach or further define over the previously claimed rejections, they are similarly rejected for at least the same reasons set forth for claims 105-107.

24>   As to claims 118-121, as they do not teach or further define over the previously claimed limitations they are similarly rejected for at least the same reasons set forth above for claims 104 and 108-117.

25>   As to claims 122 and 125, Aravamudan discloses said first realm employs a first protocol

characteristic [column 7 «lines 3-20» : one user can be in a packet network, thus Aravamudan discloses a characteristic that marks the user as being in a packet network], said second

realm employs a second protocol characteristic [column 7 «lines 3-20» : another user can be in a PSTN network, thus Aravamudan discloses a characteristic that marks the user as being in a PSTN network], and wherein said first protocol characteristic is different from said second protocol characteristic [PSTN vs. packet network].

26> As to claims 123, 124, 126 and 127, as they do not teach or further define over previously claimed limitations, they are similarly rejected for at least the same reasons set forth for claims 17 and 22.

27> Claims 112 and 113 are rejected under 35 U.S.C § 103(a) as being unpatentable over Aravamudan, in view of Auerbach, U.S Patent No. 6.549.937 ["Auerbach"].

28> As to claim 112, Aravamudan discloses a method of conducting an instant messaging session between a first user and a second user over the Internet,

said first user associated with a first realm having a first protocol [column 7 «lines 3-20» : one user can be in a packet network, thus Aravamudan discloses a characteristic that marks the user as being in a packet network],

said first user connected to the internet using said first protocol [column 6 «lines 18-31 and 45-67» : first user establishes a network presence with the network address],

said second user associated with a second realm having a second protocol [column 7 «lines 3-20» : another user can be in a PSTN network, thus Aravamudan discloses a characteristic that marks the user as being in a PSTN network],

said second user connected to the Internet using said second protocol [column 6 «lines 19-31 and 45-67»],

the method comprising the steps of:

determining a current IP address of the second user [column 4 «lines 3-25» | column 9 «lines 50-57»];

establishing a connection between said first and second users using said current IP address and said second protocol as part of an instant messaging session [column 9 «lines 45-57» | column 11 «lines 8-45»].

Aravamudan does not expressly disclose a first and second Instant Messaging protocol.

29> In the same field of invention, Auerbach discloses enabling communication between users who use different IM protocols [Figure 3 «items 130, 132» | column 8 «lines 39-53» where the first and second service providers utilize a first and second IM protocol]. It would have been obvious to one of ordinary skill in the art to modify Aravamudan's communication system with the multiprotocol capability taught by Auerbach. One would have been motivated to provide such a combination as Auerbach would improve Aravamudan by allowing a first user with a first protocol to instant message a second user with a second protocol [see Auerbach, abstract].

30> As to claim 113, Aravamudan and Auerbach disclose the limitations as claimed [see claim 112 above], with Aravamudan further disclosing:

displaying an instant message from said first user to said second user using said

current IP address and said second protocol characteristic [column 4 «lines 20-25» | column 7

«lines 3-20»].

31> Claims 16, 22, 108, 112-114, 118, 122 and 125 are rejected under 35 U.S.C § 103(a) as being

unpatentable over Auerbach in view of Kim, U.S Patent No. 6.490.274 ["Kim"], in further

view of Gudjonsson.

32> As to claim 16, Auerbach discloses a method of conducting an instant messaging

session between a first user and a second user over the Internet, said first and second being

associated with a first realm and a second realm respectively [column 2 «lines 9-15» :

different users, different service providers], each realm being accessible via the Internet

using a protocol characteristic to the realm (col. 2, lines 19-28), each said user getting access to

the Internet via one of a respective first and second device (fig. 3, client 102), at least one of

said first and second devices having a storage media storing the protocol characteristic of the

other realm (see fig. 3, protocol services 130 and 132) the method comprising the steps of:

While Auerbach discloses the user logging on to the primary service provider using

established logon procedures, and Auerbach is not specifically disclose the steps of

determining a current IP address of the second user, and establishing a connection between

the first and second users using the current IP address and the protocol characteristic. As

discussed previously, the use of IP addresses to connect network users is implicit in

Auerbach. Auerbach clearly discloses establishing network sessions between the users

through his conversion platform; the platform would necessarily need to know the IP addresses of each user to do so. Further, Auerbach discloses establishing sessions based on the email addresses of users [column 1 «lines 46-61»]. It is well known in the art that email addresses are inherently tied to IP addresses.

Auerbach does not expressly disclose encrypting instant messages but encryption of network data is rather ubiquitous and even expected in the art, as evidenced by Gudjonsson.

33>   In a related field of invention Gudjonsson is directed towards establishing communication sessions between users over a variety of networks. Gudjonsson discloses encrypting an instant message during the instant message session [abstract | column 2 «lines 16-23» | column 11 «lines 38-43»]. It would have been obvious to one of ordinary skill in the art to incorporate encryption services into Auerbach's communication system for the desirable function of having secured transmissions of network messages between users.

34>   Furthermore, the step of searching for IP addresses and utilizing said IP addresses are well known in the art as evidenced by Kim. In similar art, Kim discloses a peer-to-peer telephony system for supplying service using a cable network that discloses when a first or second cable phone initiates a call, the network segment units each have a head end unit that read IP addresses stored in the directory unit based on a received telephone number of a second cable phone and determines a session using an internet protocol from the read IP addresses to set a call path with the first cable phone (see Kim, abstract and col. 4, lines 56-65). It would have been obvious to supplement the system disclosed by Auerbach to include

the IP address database taught by Kim in order to allow the user to connect to and engage

particularly in instant messaging sessions regardless of their different protocol or service

providers used. As Auerbach suggests searching for the email addresses of users to establish

communication sessions, utilization of Kim's IP address database would have been an

obvious modification to the system disclosed by Auerbach.

35>   In considering claim 22, Auerbach discloses displaying a window on the screen of the

first and second devices, the window indicating a list of active users (see Fig 4B).

36>   As to claim 108, Auerbach discloses a method of conducting an instant messaging

session, the method comprising:

establishing an instant messaging session over an Internet protocol network between

a first user device and a second user device [column 1 «lines 46-61»], each said user device

corresponding to a user name [Figures 4A, 4B.], each said user name corresponding to a

different realm [column 2 «lines 26-32»] , each said realm having a protocol characteristic to

the realm [Figure 4B | column 2 «lines 26-32»].

Auerbach does not expressly disclose each said user device having an Internet

protocol address in the realm corresponding to the user name. As discussed previously, the

use of IP addresses to connect network users is implicit in Auerbach. Auerbach clearly

discloses establishing network sessions between the users through his conversion platform;

the platform would necessarily need to know the IP addresses of each user to do so. Further,

Auerbach discloses establishing sessions based on the email addresses of users [column 1

«lines 46-61»]. It is well known in the art that email addresses are inherently tied to IP addresses.

37>   Auerbach does not expressly disclose encrypting instant messages but encryption of network data is rather ubiquitous and even expected in the art, as evidenced by Gudjonsson.

In a related field of invention Gudjonsson is directed towards establishing communication sessions between users over a variety of networks. Gudjonsson discloses encrypting an instant message during the instant message session [abstract | column 2 «lines 16-23» | column 11 «lines 38-43»]. It would have been obvious to one of ordinary skill in the art to incorporate encryption services into Aravamudan's communication system for the desirable function of having secured transmissions of network messages between users.

38>   Furthermore, the step of searching for IP addresses and utilizing said IP addresses are well known in the art as evidenced by Kim. In similar art, Kim discloses a peer-to-peer telephony system for supplying service using a cable network that discloses when a first or second cable phone initiates a call, the network segment units each have a head end unit that read IP addresses stored in the directory unit based on a received telephone number of a second cable phone and determines a session using an internet protocol from the read IP addresses to set a call path with the first cable phone (see Kim, abstract and col. 4, lines 56-65). It would have been obvious to supplement the system disclosed by Auerbach to include the IP address database taught by Kim in order to allow the user to connect to and engage particularly in instant messaging sessions regardless of their different protocol or service

providers used. As Auerbach suggests searching for the email addresses of users to establish

communication sessions, utilization of Kim's IP address database would have been an

obvious modification to the system disclosed by Auerbach.

39>   As to claim 112, Auerbach discloses a method of conducting an instant messaging

session between a first user and a second user over the Internet,

    said first user associated with a first realm having a first Instant Messaging protocol

[column 2 «lines 25-32»],

    said first user connected to the internet using said first Instant Messaging protocol

[column 2 «lines 25-32»],

    said second user associated with a second realm having a second Instant Messaging

protocol [column 2 «lines 25-32» | column 5 «lines 49-62»],

    said second user connected to the Internet using said second Instant Messaging

protocol [claim 1],

    Auerbach does not expressly disclose the method comprising the steps of:

    determining a current IP address of the second user;

    establishing a connection between said first and second users using said current IP

address and said second protocol as part of an instant messaging session.

40>   The step of searching for IP addresses and utilizing said IP addresses are well known

in the art as evidenced by Kim. In similar art, Kim discloses a peer-to-peer telephony system

for supplying service using a cable network that discloses when a first or second cable phone initiates a call, the network segment units each have a head end unit that read IP addresses stored in the directory unit based on a received telephone number of a second cable phone and determines a session using an internet protocol from the read IP addresses to set a call path with the first cable phone (see Kim, abstract and col. 4, lines 56-65). It would have been obvious to supplement the system disclosed by Auerbach to include the IP address database taught by Kim in order to allow the user to connect to and engage particularly in instant messaging sessions regardless of their different protocol or service providers used. As Auerbach suggests searching for the email addresses of users to establish communication sessions, utilization of Kim's IP address database would have been an obvious modification to the system disclosed by Auerbach.

41>   As to claim 113, Auerbach and Kim disclose the limitations as claimed [see claim 112 above], with Auerbach further disclosing:

     displaying an instant message from said first user to said second user using said current IP address and said second protocol characteristic [claim 9].

42>   As to claim 114, Auerbach and Kim disclose an instant message receiving system, said system including:

     a first user device connected to an Internet Protocol Network and associated with a first Internet Protocol address, a first user name, and a first realm [Auerbach, claim 1 & Kim, abstract]; and

a second user device connected to said Internet Protocol Network and associated with a second Internet Protocol address, a second user name, and a second realm [Auerbach, claim 1 & Kim, abstract];

Auerbach does not expressly disclose encrypting instant messages but encryption of network data is rather ubiquitous and even expected in the art, as evidenced by Gudjonsson.

43> In a related field of invention Gudjonsson is directed towards establishing communication sessions between users over a variety of networks. Gudjonsson discloses encrypting an instant message during the instant message session [abstract | column 2 «lines 16-23» | column 11 «lines 38-43»]. It would have been obvious to one of ordinary skill in the art to incorporate encryption services into Auerbach's communication system for the desirable function of having secured transmissions of network messages between users

44> As to claims 118, as it does not teach or further define over the previously claimed limitations it is similarly rejected for at least the same reasons set forth above for claims 108 and 112.

45> As to claims 122 and 125, Auerbach discloses said first realm employs a first protocol characteristic, said second realm employs a second protocol characteristic, and wherein said first protocol characteristic is different from said second protocol characteristic [claim 1]

46> Claims 17-20, 103, 123, 124, 126 and 127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach, Gudjonsson and Kim, in view of Appelman, U.S. Patent No. 6.750881.

47> In considering claim 17, while the combined system of Auerbach and Kim discloses the system substantially as claimed, it does not disclose that sending a message to the IM database indicating the corresponding user is online. Nonetheless, the aforementioned limitation is a well-known feature of instant messaging systems as evidenced by Appelman.

48> In similar art, Appelman discloses a real time notification system that tracks, for each user, the logon status of selected co-users. Appelman further discloses that when a user logs on the logon system notifies the Buddy List System about the user (i.e. passes the User's ID, address, or screen name to the Buddy List System) (see Appelman col. 6, lines 57-59%. It would have been obvious to modify the combined system of Auerbach and Kim to include the steps of sending a message to an IM database indicating the corresponding user is online and the current IP address in order to more accurately track user relationships and maintain knowledge of the users and processes on the system. Therefore, the limitations would have been an obvious modification to the combines system of Auerbach and Kim.

49> In considering claim 18, the combined system of Auerbach, Kim, and Appelman discloses wherein the step of determining the current P address comprises retrieving the address from the IM database (see Kim col. 4, lines 56-61).

50>   In considering claim 19, Auerbach discloses sending a connection request from the first to the second device for establishing the instant message session (see Auerbach col. 11 lines 48-50).

51>   In considering claim 20, Auerbach discloses generating a response to the connection request by the second device accepting the connection request (see Auerbach col. 11, lines 1-3).

52>   In considering claim 103, Auerbach discloses displaying the window with a message area the message area being used to indicate messages between users (see Appelman Fig. 9).

53>   As to claims 123, 124, 126 and 127, as they do not teach or further define over previously claimed limitations, they are similarly rejected for at least the same reasons set forth for claims 17 and 22.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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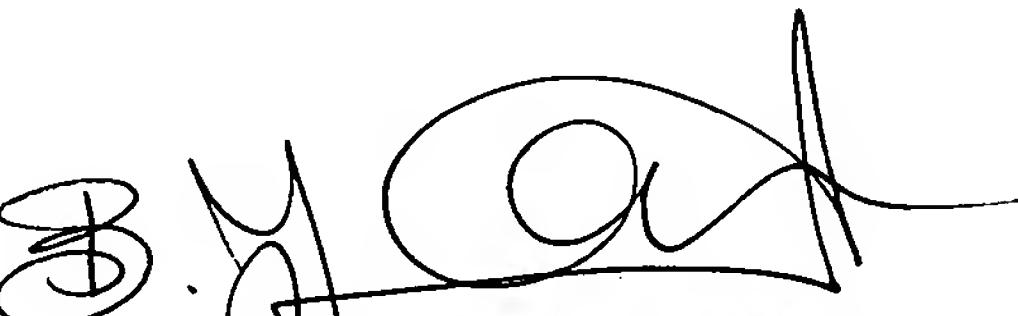
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